

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12469-JLT

AMERICAN TOWER CORPORATION, )  
Plaintiff )  
v. )  
GRANITE STATE INSURANCE )  
COMPANY, )  
Defendant )  
and )  
FRED A. NUDD CORPORATION, )  
COMPANY, )  
Defendant and )  
Third Party Plaintiff )  
v. )  
UNDERHILL CONSULTING )  
ENGINEER, P.C. )  
Third Party Defendant )

**MOTION TO EXTEND TIME TO RESPOND TO AMENDED COMPLAINT**

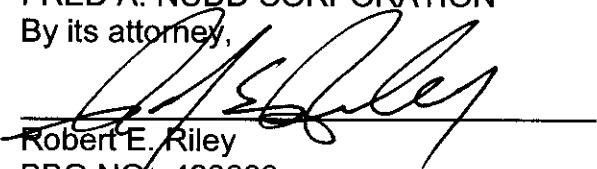
Now comes the Defendant, Fred A. Nudd Corporation (Nudd) and moves this Honorable Court to extend the time within which Nudd must answer or otherwise respond to the Amended Complaint up to and including January 14, 2005.

In support of its motion, Nudd states the following:

1. The Plaintiff has assented to this motion.
2. The Plaintiff filed and served the amended complaint on December 1, 2004. Thus, the answer would be due on December 20, 2004.
3. However, the parties are engaged in settlement discussions which have resulted in the basis of an agreement, the details of which are still being negotiated.

Wherefore, the Defendant Fred A. Nudd Corporation moves to extend the time to answer or otherwise respond to the Amended Complaint up to and including January 14, 2005.

The Defendant and  
Third Party Plaintiff  
FRED A. NUDD CORPORATION  
By its attorney,

  
Robert E. Riley  
BBO NO. 420660  
VENA, RILEY, DEPTULA, LLP  
250 Summer Street  
Boston, MA 02210  
(617)951-2400

Dated: December 9, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by (hand) (mail) on 